

first before they bring a civil case because then you're going to have all sorts of charges, criminal charges being brought against people that may not be guilty of a criminal charge. Secondly, the standards of proof are different. In a criminal case you're talking about beyond a reasonable doubt and in a civil case you're talking about preponderance of the evidence, a lesser standard. You want to keep the civil and criminal entirely separate. You don't want to bring them together. They are not brought together in any other area of the law.

SPEAKER BARRETT: Time has expired.

SENATOR ASHFORD: You want to keep them separate.

SENATOR SMITH: Thank you. I hope someone else might explain a little more.

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, to tack onto what Senator Ashford has said and touch on Senator Smith, can you all see what it is we're dealing with here? You're not talking about somebody having broken a window or damaging a car, you're talking about a crime of dishonesty, theft. Senator Ashford wants you to be able to take a person into civil court and it doesn't have to be Small Claims Court. They can get a lawyer and take you into district court. That's what they keep wanting you to not pay attention to. They can, under this bill, sue you in district court. They can do that and they can hire a lawyer. Now, he wants to take you into a court where you don't have a high standard of proof and they recover, but what they recover for is because you have been found guilty of shoplifting, of theft, of that which is dishonest. But the standard of proof is not the same as if they were required to bring the charge. Senator Ashford misled you when he said that this is a bill to decriminalize shoplifting. It is not. The crime stays there. So that was a totally misleading statement. In fact, it was false. This bill does not decriminalize shoplifting. It adds another arm to it. The crime of shoplifting is still there. But a person not only need not be convicted, but you can actually be taken to court and charged with shoplifting and found not guilty and still be sued under this bill, and having said that, I want to ask Senator Ashford a question. Senator Ashford, on page 2 at the bottom we find these words, "A conviction under any statute or ordinance shall not be a condition precedent to maintaining an action